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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/039,094	01/02/2002	John A. Benda	67,007-005; R-4264	8685
26096	7590 07/13/2003			
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 PIRMINGHAM MI 48000			EXAMINER	
			COLAIANNI, MICHAEL	
BIRMINGHAM, MI 48009			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Disposition of Claims ## Action Summary 10/039,094			Application No.	Applicant(s)			
Michael P Colalanni 1731	Office Action Summary		10/039,094	BENDA ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Priod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of the may be a veided involved propriet of the priority of the priority precised above the passimon of 37 CFR 1.79(a). In no event, however, may a reply be timely field Extractions of the may be a veided below the maximum astratory proof will be precised to from the propriet of the priority of the priority and the priority of the priority deciment and the priority priority under 35 CFR 1.70(4c). Status 1) □ Responsive to communication(s) filled on 02_January 2002 2a) □ This action is FINAL. 2b) □ This action is final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-20 is/are pending in the application. 4) □ Claim(s) 1-20 is/are pending in the application. 5) □ Claim(s) 1-20 is/are pending in the application. 4) □ Claim(s) 1-20 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on 1-16/10 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The proposed drawing correction filed on 1-16/10 is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1-1 □ Certified copies of the priority documents have been received. 14) □ Acknowledgment is made of a claim for domestic priority u			Examiner	Art Unit			
P riod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exhabitions of form they be evaluable under the purchases of \$10 CPR 1.138(a). In no event, however, may a reply be timely filled Exhabitions of from they be evaluable under the purchases of \$10 CPR 1.138(a). In no event, however, may a reply be timely filled Exhabitions of many period active is less than three monitors (\$00 days, a many white he statutory reliation and thirty (\$00 days will be considered timely. If NO period for reply is specified above, the maximum seature y peecd will apply and will expire \$10 K(a) MONTHS from the remaining date of the communication. They period for reply period active the thirtee monitor seature y precious apply and will expire \$10 K(a) MONTHS from the remaining date of this communication, even if timely filled, may reduce any seated partent term adjustment. See \$3 CPR 1.704(b). Status 1) □ Responsive to communication(s) filled on \$0.22 January 2002 2. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) □ Jas'are perioded. 5) □ Claim(s) □ Jas'are allowed. 6) □ Claim(s) □ Jas'are allowed. 6) □ Claim(s) □ Jas'are expliced to. 8) □ Claim(s) ½20 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on □ Jas'are: a) □ accepted or b) □ objected to by the Examiner. 11 □ proposed drawing correction filled on □ Jas'are: a) □ accepted or b) □ objected to by the Examiner. 12 □ The proposed drawing correction filled on □ Jas'are: a) □ accepted or b) □ objected to by the Examiner. 13 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f). 14 □ Acknowl							
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	2) Notice	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal P				

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10, drawn to a method of optical fiber manufacture, classified in

class 65, subclass 392.

II. Claims 11-19, drawn to a system for optical fiber manufacture using two

mirrors and a laser, classified in class 65, subclass 509.

III. Claim 20, drawn to an optical fiber, classified in class 385, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method can be practiced by another and materially different apparatus, such as one that does not use mirrors, but rather directly applies the laser or high intensity beam to the glass material.

Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process

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(MPEP § 806.05(f)). In the instant case the product can be made by another and materially different method, such as using a single laser beam to write the grating into the optical fiber.

Inventions II and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product can be made by another and materially different apparatus, such as one that uses a single laser to directly write the grating into the optical fiber.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

A telephone call was made to Anthony Cho on June 23, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Thursday and alternate Fridays from 9:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Michael P Colaianni Primary Examiner Art Unit 1731

MPC July 10, 2003

MICHAEL COLAIANNI PRIMARY EXAMINER